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By Congressman Mike Quigley (IL-05)

On January 20th, the Department of Health and Human Services announced that most employers will need to cover contraception in their basic benefits packages. Bearing in mind the religious objections of some to contraception, the administration also included an exemption that will allow religious institutions that exist for religious purposes and primarily employ and serve those who share their religious values to opt out of providing contraception.

Despite the administration's inclusion of an exemption for religious institutions such as churches, some have expressed concerns that that this rule impinges on the religious rights of some by requiring religiously-affiliated employers, such as Catholic universities and hospitals, to cover contraception. As an attorney and a member of the House Committee on the Judiciary, Subcommittee on the Constitution, I am extremely sensitive to concerns regarding religious freedoms guaranteed by the First Amendment. This is why I support the exemption as written.

Protection of religious freedom means considering the faiths and beliefs of everyone involved. Just as the beliefs of Catholics at Catholic institutions must be respected, so too must we respect the beliefs of other religious and non-religious followers. Take, for example, a Catholic university where Jews, Hindus, Muslims, and followers of other faiths work -- should these individuals be denied access to contraception even though their religions do not oppose contraception use? If we expand the religious exemption too far, and allow religiously-affiliated institutions to deny contraception to their employees regardless of their religious beliefs, we begin to see the beliefs and rights of those who support and require contraception infringed upon.

A balance must be struck between protecting the rights of religious followers and others who may be impacted by a religious exemption. The Supreme Court, in *Texas Monthly, Inc. v. Bullock*, explained that religious exemptions should be tailored so they do not "impose substantial burdens on nonbeneficiaries." Denial of contraception to women without the financial means to afford it could cause substantial economic burdens, and even greater burdens if the lack of contraception results in an unintended pregnancy. Further, a lack of access to contraception could also be a substantial burden for women who rely on oral contraception for certain health benefits such as hormonal regulation.

This policy requiring most employers to cover contraception is based not on ideology, but on the scientific recommendations of the nonpartisan Institute of Medicine (IOM). In July of last year, the IOM recommended a range of preventive services be available to women including breastfeeding counseling, domestic violence counseling, STI screening, and contraception. The IOM recognized the importance of birth control in preventing unintended pregnancies, lowering abortion rates, treating certain health problems, reducing risks of endometrial cancer, and even its cost-saving benefits.

As a policy maker, I have to stand up for the rights of all my constituents, regardless of their faith. This means making policies that walk the line between protecting the rights of primarily religious institutions, while also protecting the rights of individuals employed by religiously-affiliated institutions. The administration's exemption strikes that balance. Arguing otherwise is counter to the fairness principal upon which this country was established.